

PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF
HABEAS CORPUS BY A PERSON IN STATE CUSTODY

United States District Court	District
Name (under which you were convicted):	Docket or Case No: <u>div 5</u>
<u>FAEDERICK L HARRIS</u>	<u>31303CF0131</u>
Place of Confinement :	Prisoner No.:
<u>JCDC</u>	<u>201604804</u>
Petitioner (include the name under which you were convicted)	V. Respondent (Authorized person having custody of Petitioner)
The Attorney General of the State of : <u>Missouri</u>	

PETITION

- (a) Name and location of court that entered the judgment of conviction you are challenging:
Greene County Circuit Judge 1016 N. Booneville,
Springfield, MO 65802
- (b) Criminal docket or case number (if you know): 31303CF0131
- (a) Date of the judgment of conviction (if you know): August 13th, 2004
- (b) Date of sentencing: 08-13-2004
- Length of sentence: 5 years
- In this case, were you convicted on more than one count or of more than one crime? Yes No
- Identify all crimes of which you were convicted and sentenced in this case: Sexual Assault
or Disorderly Conduct the DNA matched some one else's
descript type

6. (a) What was your plea? (Check one)

(1) Not guilty ☒

(3) Nolo Contendere (no contest) _____

(2) Guilty _____

(4) Insanity plea _____

(b) If you entered a guilty plea to one count or charge and a not guilty plea to another count or charge, what did you plead guilty to and what did you plead not guilty to? I pled guilty to a

misdeemeanor Disorderly Conduct and I pled not guilty
to sexual assault.

(c) If you went to trial, what kind of trial did you have? (check one)

Jury _____

Judge only _____

7. Did you testify at a pretrial hearing, trial, or a post-trial hearing?

Yes _____

No ☒

8. Did you appeal from the judgment of conviction?

Yes ☒

No _____

9. If you did appeal, answer the following:

(a) Name of court: Office of Chief Disciplinary Counsel

(b) Docket or case number (if you know): 31303CF0131

(c) Result: Not on File -

(d) Date of result (if you know): 08-13-2004

(e) Citation to the case (if you know): Sexual DV Assault

(f) Grounds raised: DNA was incoherent. It was a misunder-
standing.

(g) Did you seek further review by a higher state court?

Yes ☒

No _____

If "Yes," answer the following:

(1) Name of court: Chief Disciplinary Counsel

(2) Docket or case number (if you know): 31303CF0131

(3) Result: Not on File

(4) Date of result (if you know): N/A

(5) Citation of the case (if you know): Sexual DV assault

(6) Grounds raised: Not on File. It was not a DNA match.

(h) Did you file a petition for certiorari in the United States Supreme Court? Yes ___ No ☒
If "Yes," answer the following:

(1) Docket or case number (if you know): _____

(2) Result: Not on File - petition pending ind. Htn.

(3) Date of result (if you know): _____

(4) Citation to the case (if you know): _____

10. Other than the direct appeals listed above, have you previously filed any other petition, application or motions concerning this judgement of conviction in any state court?

Yes ☒

No ___

11. If your answer to Question 10 was "YES," give the following information:

(a) (1) Name of court: Chief Disciplinary Counsel

(2) Docket or case number (if you know): 31303CF 0131

(3) Date of filing (if you know): 08/2004

(4) Nature of the proceeding: _____

(5) Grounds raised: Not on File - I have not had a chance to evaluate, my own eyes seen to Misdeemeanor and Disorderly Conduct.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion? Yes ☒ No ___

(7) Result: I have to state the cause of motion. NG.

(8) Date of result (if you know): 08/2004

(b) If you filed any second petition, application, or motion, give the same information:

(1) Name of court: Chief Disciplinary Counsel

(2) Docket of case number (if you know):

31303CF0131

(3) Date of filing (if you know):

08/2016

(4) Nature of the proceeding:

I am placing a non-guilty waiver.

(5) Grounds raised:

To clear my name under the assumptions of DV.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?
Yes ☐ No ☒

(7) Result:

Petition Not on File as of yet.

(8) Date of Result (if you know):

08/2016

(c) If you file any third petition, application, or motion, give the same information:

(1) Name of court:

Chief Disciplinary Counsel

(2) Docket of case number (if you know):

31303 CF0131

(3) Date of filing (if you know):

08/2004

(4) Nature of the proceeding:

Not on File - Not guilty.

(5) Grounds raised:

I am not guilty.

(6) Did you receive a hearing where evidence was given on your petition, application, or motion?

Yes ☐

No ☒

(7) Result:

I am re-admitting my Petition.

(8) Date of result (if you know):

(d) Did you appeal to the highest state court having jurisdiction over the action taken on your petition, application, or motion?

(1) First petition:

Yes ☒

No ☐

(2) Second petition

Yes ☒

No ☐

(3) Third petition

Yes ☒

No ☐

(e) If you did not appeal to the highest state court having jurisdiction, explain why you did not: _____

N/A

12. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available state court remedies on each ground on which you request action by the federal court. Also, if you fail to set forth all the grounds in this petition, you may be barred from presenting additional grounds at a later date.

GROUND ONE: I am going to send this to the Supreme Court
if this case does not get dropped to a disciplinary
council. Or dismissed.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

I do not match the evidence. I am not the person.
I was allowed to view the DNA on file, & existed to
another person.

(b) If you did not exhaust your state remedies on Ground One, explain why: _____

N/A

(c) **Direct Appeal of Ground One:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: _____

N/A

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court? Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: I have a habeas corpus on file

Name and location of the court where the motion or petition was filed: Chie
Disciplinary Counsel Filed in Jackson County.

Docket or case number (if you know):

31303CF0131

Date of the court's decision:

Not on File - I am appealing.

Result (attach a copy of the court's opinion or order, if available):

N/A

(3) Did you receive a hearing on your motion or petition?

Yes

No

(4) Did you appeal from the denial of your motion or petition?

Yes

No

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes

No

(6) If your answer to Question (d)(4) is "Yes," state

Name and location of the court where the appeal was filed:

Chief Disciplinary Council Jackson County

Docket or case number (if you know):

31303CF0131

Date of the court's decision:

N/A

Result (attach a copy of the court's opinion or order if available)

N/A

(7) If your answer to Question (d)(4) or Questions (d)(5) is "No", explain why you did not raise this issue:

This is the proper attachment for these alternative supports.

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc) that you have used to exhaust your state remedies on Ground One:

I have a habeas corpus on file for review in this preliminary.

GROUND TWO:

The DNA I Matched Someone

else's descriptive type.

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

I am not the one who had the effortless DNA match, it was someone else, who I also can be a match, at an appropriate time, it was not for me or my DNA.

(b) If you did not exhaust your state remedies on Ground Two, explain why: N/A

(c) Direct Appeal of Ground Two:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☒ No ☐

(2) If you did not raise this issue in your direct appeal, explain why: N/A

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☒ No ☐

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed: N/A

Docket or case number (if you know): 31303CF0131

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order, if available): N/A

(3) Did you receive a hearing on your motion or petition?

Yes ☐ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes ☐ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes ☐ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: Chief Discipline

City Court Jackson County

Docket or case number (if you know): 31303CF0131

Date of the court's decision: N/A

Results (attach a copy of the court's opinion or order if available) N/A

(7) If your answer to Question (d)(4) or Questions (d)(5) is "No," explain why you did not raise this issue: N/A

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc) that you have used to exhaust your state remedies on Ground Two: N/A

Aug-03-2004

GROUND THREE:

Ineffective Counsel - Brady Alex
ander Musgrave 01937

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

N/A

(b) If you did not exhaust your state remedies on Ground Three, explain why:

N/A

(c) **Direct Appeal of Ground Three:**

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes ☐

No ☒

(2) If you did not raise this issue in your direct appeal, explain why:

N/A

(d) **Post-Conviction Proceedings:**

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes ☐

No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition:

N/A

Name and location of the court where the motion or petition was filed:

N/A

Docket or case number (if you know):

N/A

Date of the court's decision:

N/A

Remark (attach a copy of the court's opinion or order, if available): _____

(3) Did you receive a hearing on your motion or petition?

Yes _____ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes _____ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes _____ No ☒

(6) If your answer to Question (d)(4) is "Yes," state

Name and location of the court where the appeal was filed: N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Results (attach a copy of the court's opinion or order if available) N/A

(7) If your answer to Question (d)(4) or Questions (d)(5) is "No," explain why you did not raise this issue: _____

N/A

(e) Other Remedies: Describe any other procedures (such as habeas corpus, administrative remedies, etc) that you have used to exhaust your state remedies on Ground Three: Ineffective

Assistance of Counsel Aug-13-2004 Brady Alexander
Mungrace (51937) 2550 S Campbell Ste 900 Springfield mo 65807
(417) 866-0110

GROUND FOUR: _____

N/A

(a) Supporting facts (Do not argue or cite law. Just state the specific facts that support your claim):

N/A

(b) If you did not exhaust your state remedies on Ground Four, explain why: _____

N/A

(c) Direct Appeal of Ground Four:

(1) If you appealed from the judgment of conviction, did you raise this issue?

Yes _____ No ☒

(2) If you did not raise this issue in your direct appeal, explain why? N/A

(d) Post-Conviction Proceedings:

(1) Did you raise this issue through a post-conviction motion or petition for habeas corpus in a state trial court?

Yes _____ No ☒

(2) If your answer to Question (d)(1) is "Yes," state:

Type of motion or petition: N/A

Name and location of the court where the motion or petition was filed: N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach of copy of the court's opinion or order, if available): N/A

(3) Did you receive a hearing on your motion or petition?

Yes _____ No ☒

(4) Did you appeal from the denial of your motion or petition?

Yes _____ No ☒

(5) If your answer to Question (d)(4) is "Yes," did you raise this issue in the appeal?

Yes _____ No ☒

(6) If your answer to Question (d)(4) is "Yes," state:

Name and location of the court where the appeal was filed: N/A

Docket or case number (if you know): N/A

Date of the court's decision: N/A

Result (attach a copy of the court's opinion or order if available) N/A

N/A

(7) If your answer to Question (d)(4) or Questions (d)(5) is "No", explain why you did not raise this issue: _____

N/A

(e) **Other Remedies:** Describe any other procedures (such as habeas corpus, administrative remedies, etc) that you have used to exhaust your state remedies on Ground Four: _____

N/A

13. Please answer these additional questions about the petition you are filing:

(a) Have all grounds for relief that you have raised in this petition been presented to the highest state court having jurisdiction? Yes _____ No ☒

If your answer is "No," state which grounds have not been so presented and give your reason(s) for not presenting them: _____

I have a transcript attached that states the following: D-14, and the Deposition of evidence.

(b) Is there any ground in this petition that has not been presented in some state or federal court? If so, which ground or grounds have not been presented, and state your reasons for not presenting them: _____

N/A

14. Have you previously filed any type of petition, application, or motion in a federal court regarding the conviction that you challenge in this petition? Yes _____ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, the issues raised, the date of the court's decision, and the result for each petition, application, or motion filed. Attach of copy of any court opinion or order, if available: _____

N/A

15. Do you have any petition or appeal now pending (filed and not decided yet) in any court, either state or federal for the judgment you are challenging? Yes _____ No ☒

If "Yes," state the name and location of the court, the docket or case number, the type of proceeding, and the issues raised: _____

N/A

16. Give the name and address, if you know, of each attorney who represented you in the following state of the judgment you are challenging:

- (a) At preliminary hearing: Atty S. Huffman, Brady Alexander Mulgrave (51937)
- (b) At arraignment and plea: N/A
- (c) At trial: N/A
- (d) At sentencing: N/A
- (e) On appeal: N/A
- (f) In any post-conviction proceeding: N/A
- (g) On appeal from any ruling against you in a post-conviction proceeding: N/A

17. Do you have any future sentence to serve after you complete the sentence for the judgment you are challenging? Yes ☐ No ☒

(a) If so, give name and location of court that imposed the other sentence you will serve in the future:

N/A

(b) Give the date the other sentence was imposed: N/A

(c) Give the length of the other sentence: N/A

(d) Have you filed, or do you plan to file, any petition that challenges the judgment or sentence to be served in the future? Yes ☐ No ☒

18. TIMELINESS OF PETITION: If your judgment of conviction became final over one year ago, you must explain why the one-year statute of limitations as contained in 28 U.S.C. § 2244(d) does not bar your petition.*(see below)

N/A

*The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") as contained in 28 U.S.C. § 2244(d) provides in part that:

(1) A one-year period limitations shall apply to an application for writ of habeas corpus by a person in custody pursuant to the judgment of a State court. The limitations period shall run from the latest of:

(A) the date on which the judgment became final by the conclusion of direct review or the

- expiration of the time for seeking such review;
(B) the date on which the impediment to filing an application created by State action in violation of the constitution or laws of the United States is removed, if the applicant was prevented from filing by such state action;
(C) the date on which the constitution right asserted was initially recognized by the Supreme Court, if the right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
(D) the date on which the factual predicate of the claim or claims presented could have been discovered through the exercise of true diligence.
- (2) The time during which a properly filed application for State post-conviction or other collateral review with respect to the pertinent judgment or claim is pending shall not be counted toward any period of limitations under this subsection.

Therefore, petitioner asks that the Court grant the following relief: I want this case over all
To be done, and I want to place some blame on the Attorney
Brady Alexander Muaganoor (51939) and on the Judge Calvin R Holden Jr
or any other relief to which petitioner is entitled.

Signature of Attorney (if any)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____ (month, date, year).

Executed (signed) on _____ (Date).

Frederick L. Harria

Signature of Petitioner

If the person signing is not petitioner, state relationship to petitioner and explain why petitioner is not signing this petition. _____

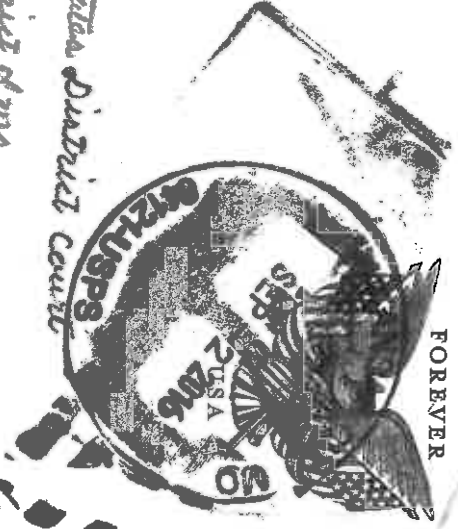
Franklin J. Davis # 20604804
1300 Cherry Street
Kansas City, MO

67106

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Clerk, Western District Court
per the Western District of mo
400 E North St
Kansas City, mo 64106



9-1-2016